

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals**For the Seventh Circuit****Chicago, Illinois 60604**

Submitted February 14, 2018*

Decided February 15, 2018

BeforeWILLIAM J. BAUER, *Circuit Judge*DIANE S. SYKES, *Circuit Judge*DAVID F. HAMILTON, *Circuit Judge*

No. 17-2387

MICHELLE LUNDY,
*Plaintiff-Appellant,*Appeal from the United States District
Court for the Eastern District of Wisconsin.*v.*

No. 16-CV-470

WESTWOOD HEIGHTS APARTMENTS,
LLC, et al.,
*Defendants-Appellees.*William E. Duffin,
*Magistrate Judge.***ORDER**

Michelle Lundy, an African-American woman, filed this lawsuit under the Fair Housing Act, 42 U.S.C. §§ 3601–19, 3631, against Westwood Heights Apartments, LLC, the company that owns the apartment complex where Lundy used to live; Jack Sheehan, who controls the company; and St. Clare Management, the third-party administrator that certifies low-income tenants for rental assistance. She alleged that the defendants discriminated against her based on her race by unevenly applying

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

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regulations governing the calculation of her rent, and by refusing to replace her showerhead or allow her to hang pictures on the walls of her apartment when other tenants could. Lundy also alleged that the defendants wrongfully evicted her in retaliation for filing a complaint of discrimination with the Department of Housing and Urban Development and the Office of Fair Housing and Equal Opportunity.

The parties consented to the jurisdiction of a magistrate judge, *see* 28 U.S.C. § 636(c), who ultimately granted the defendants' motions for summary judgment. *See* E.D. WIS. CIV. R. 7(d). As required, the defendants had notified Lundy, who was proceeding pro se, of the consequences of failing to respond and had provided her with the summary-judgment rules. *See id.* 56(a); *Timms v. Frank*, 953 F.2d 281, 285 (7th Cir. 1992). But Lundy did not file a response, so the magistrate judge ruled based on his review of the record and the defendants' briefs.

Lundy appeals and states that she "did not receive the Motion to [sic] Summary Judgment file." That is the sum total of what could be viewed as an argument for vacating the judgment. However, in attempting to understand Lundy's point, we noticed that after the magistrate judge entered judgment, Lundy filed a "Motion to Enlarge the Record" to which she attached a document, styled somewhat like an affidavit, stating that she did not receive the motions for summary judgment. The magistrate judge denied her motion, taking its label at face value and saying that Lundy could not "add to the appellate record documents that were not a part of the proceedings in the district court." We think the magistrate judge could have construed Lundy's filing as a motion for relief from the judgment on the ground that she never received the defendants' summary-judgment filings. *See* FED. R. CIV. P. 60(b). But Lundy did not provide any information to help him understand the circumstances (such as whether the address on the certificates of service was correct), and so we cannot say that he erred—especially because Lundy does not say now that she was misunderstood.

On appeal, Lundy again fails to develop any argument or cite any legal authority that could provide a basis for disturbing the judgment. *See* FED. R. APP. P. 28(a)(8)(A); *Anderson v. Hardman*, 241 F.3d 544, 545 (7th Cir. 2001). Instead, apart from stating that she did not receive the summary-judgment "file," she recounts her personal history and repeats allegations from her complaint (and, in her reply brief, attempts to add new factual allegations complete with photographs). We construe pro se filings liberally, but undeveloped or unsupported contentions are waived. *Long v. Teachers' Ret. Sys. of State of Ill.*, 585 F.3d 344, 349 (7th Cir. 2009); *Jones v. InfoCure Corp.*, 310 F.3d 529, 534 (7th Cir. 2002). If Lundy in fact did not receive the defendants' summary-judgment materials, we

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sympathize with her frustration, but like the magistrate judge, we cannot give her any relief based on one barebones statement.

AFFIRMED

CERTIFIED COPY

A True Copy

Teste:



Elaine R. Olson
Deputy Clerk
of the United States
Court of Appeals for the
Seventh Circuit

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

FINAL JUDGMENT

February 15, 2018

Before: WILLIAM J. BAUER, Circuit Judge
DIANE S. SYKES, Circuit Judge
DAVID F. HAMILTON, Circuit Judge

No. 17-2387	MICHELLE LUNDY, Plaintiff - Appellant v. WESTWOOD HEIGHTS APARTMENTS, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 2:16-cv-00470-WED Eastern District of Wisconsin Magistrate Judge William E. Duffin	

The judgment of the District Court is **AFFIRMED**, with costs, in accordance with the decision of this court entered on this date.

form name: c7_FinalJudgment(form ID: 132)

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

March 29, 2018

Before

WILLIAM J. BAUER, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

No. 17-2387

MICHELLE LUNDY,
Plaintiff-Appellant,

v.

ST. CLARE MANAGEMENT,
WESTWOOD HEIGHTS
APARTMENTS and JACK SHEEHAN,
Defendants-Appellees.

Appeal from the United States
District Court for the Eastern District
of Wisconsin.

No. 2:16-cv-00470-WED

William E. Duffin,
Magistrate Judge.

ORDER

On consideration of plaintiff-appellant's petition for rehearing and petition for rehearing *en banc* filed on March 12, 2018, in connection with the above-referenced case, all of the judges on the original panel have voted to deny the petition for rehearing, and no judge in active service has requested a vote on the petition for rehearing *en banc*. It is, therefore, ORDERED that the petition for rehearing and petition for rehearing *en banc* are DENIED.

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



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NOTICE OF ISSUANCE OF MANDATE

April 6, 2018

To: Stephen C. Dries
UNITED STATES DISTRICT COURT
Eastern District of Wisconsin
Milwaukee , WI 53202-0000

No. 17-2387	MICHELLE LUNDY, Plaintiff - Appellant v. ST. CLARE MANAGEMENT, WESTWOOD HEIGHTS APARTMENTS and JACK SHEEHAN, Defendants - Appellees
Originating Case Information:	
District Court No: 2:16-cv-00470-WED Eastern District of Wisconsin Magistrate Judge William E. Duffin	

Herewith is the mandate of this court in this appeal, along with the Bill of Costs, if any. A certified copy of the opinion/order of the court and judgment, if any, and any direction as to costs shall constitute the mandate.

RECORD ON APPEAL STATUS:

No record to be returned

NOTE TO COUNSEL:

If any physical and large documentary exhibits have been filed in the above-entitled cause, they are to be withdrawn ten (10) days from the date of this notice. Exhibits not withdrawn during this period will be disposed of.

Please acknowledge receipt of these documents on the enclosed copy of this notice.

Received above mandate and record, if any, from the Clerk, U.S. Court of Appeals for the Seventh Circuit.

Date:

04/06/18

Received by:

/s/ D. La Brie

form name: c7_Mandate(form ID: 135)